

Senate Bill 478

By: Senators Hamrick of the 30th and Reed of the 35th

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to create a new superior court judgeship for the Douglas Judicial Circuit; to provide for the initial appointment, election, and term of office of such judge; to revise and restate an Act the creating the Douglas Judicial Circuit approved March 20, 1980 (Ga. L. 1980, p. 563), as amended, particularly by an Act approved March 27, 1998 (Ga. L. 1998, p. 220), so as to provide for matters relative to the creation and continuation of the superior court and district attorney for the Douglas Judicial Circuit; to authorize the judges of said circuit to divide and allocate the work and duties thereto and provide for the duties of the chief judge and presiding judges; to provide for the compensation, salary, and expense allowance of such judge to be paid by the State of Georgia; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, is amended by revising paragraph (15.1) as follows:

"(15.1) Douglas Circuit. 3 4 "

SECTION 2.

A new judge of the superior courts is added to the Douglas Judicial Circuit, thereby increasing to four the number of judges of said circuit.

SECTION 3.

An Act creating the Douglas Judicial Circuit, approved March 20, 1980 (Ga. L. 1980, p. 563), as amended, particularly by an Act approved March 27, 1998 (Ga. L. 1998, p. 220), is amended by revising and restating all of the substantive portions of said Act as follows:

"SECTION 1.

(a) The Douglas Judicial Circuit shall be composed of the County of Douglas. There shall be four judges of the superior court in the Douglas Judicial Circuit.

(b) The offices of the judges of the superior court and the district attorney of the Douglas Judicial Circuit are created and shall be filled in the manner provided by law for the election of judges of the superior courts of this state and at the nonpartisan judicial election and for the election of district attorneys of this state and each such official shall serve a term of four years and a successor is elected and qualified. The fourth judge appointed as provided by this Act shall be appointed by the Governor for a term beginning January 1, 2009, until December 31, 2010, and a successor is elected and qualified. A successor to the initial judge shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2010, for a term of four years beginning on January 1, 2010, and until a successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. Successors shall take office on the first day of January following the date of the election. Such elections shall be held and conducted in a manner provided by law for the election of judges of the superior courts of this state.

(c) The chief judge of the Douglas Judicial Circuit shall be the judge who has the most experience as a sitting judge of a superior court in the State of Georgia. The four judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement between the judges as to the operation of the superior court, the decision of the chief judge shall control. The chief judge shall be the presiding judge of the court, in whom is to vest the power to make all appointments whenever the law provides for the superior court judge to make appointments.

(d) The judges of the superior courts of the Douglas Judicial Circuit of Georgia shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the superior courts

1 of said circuit may preside over any case therein and perform any official act as judge
2 thereof.

3 SECTION 2.

4 (a) Each judge of said circuit shall receive such compensation and allowances as are now
5 or hereafter provided by law. In addition to the compensation and expenses paid from state
6 funds, each judge of the superior court of the Douglas Judicial Circuit shall receive a
7 supplemental expense allowance of \$8,000.00 per annum, payable in equal monthly
8 installments from the funds of Douglas County. Any other provision of law to the contrary
9 notwithstanding, such supplemental expense allowance paid under the provisions of this
10 subsection shall not be used or included in calculating any pension, retirement, or other
11 benefits or payments to such judge by Douglas County nor any payments to any such judge
12 who becomes a senior judge of the superior courts.

13 (b) Upon the request of any judge of the circuit, the governing authority of the county
14 comprising the Douglas Judicial Circuit is hereby authorized to furnish the judges of said
15 circuit with suitable courtrooms and facilities, office space, telephones, furniture, office
16 equipment, supplies, and such personnel as may be considered necessary by the court for
17 the proper functioning of the court. All the expenditures authorized in this subsection are
18 hereby declared to be expenses of the court and payable out of the county treasury as such.

19 SECTION 3.

20 (a) The compensation and allowances of the district attorney of said circuit shall be as now
21 or hereafter provided by law.

22 (b)(1) The district attorney may employ such additional assistant district attorneys,
23 deputy district attorneys, or other attorneys, investigators, paraprofessionals, clerical
24 assistants, victim and witness assistance personnel, and other employees or independent
25 contractors as may be authorized by the board of commissioners. Such personnel shall
26 be compensated by the county in a manner and amount fixed by the district attorney with
27 the approval of the board of commissioners.

28 (2) Any investigator appointed pursuant to this subsection or Code Section 15-18-14.1
29 of the O.C.G.A. shall meet the qualifications for certification as a peace officer as
30 provided in Chapter 8 of Title 35 of the O.C.G.A., the 'Georgia Peace Officer Standards
31 and Training Act.' Such investigators shall exercise all powers of a peace officer
32 including the power to make arrests and to apply for, execute, and return any warrant,
33 rule, order, or process within Douglas County.

34 (3) This subsection shall apply from the effective date of this subsection until
35 December 31, 2011, after which time this subsection shall be of no further force or effect.

SECTION 4.

(a) The grand jury of the Douglas Judicial Circuit shall convene as provided by law and whenever, in the opinion of the judges of said circuit, it is expedient or necessary to have a grand jury, they may, in their discretion, draw, call, and empanel a grand jury for services at any term of court.

(b) All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Douglas Judicial Circuit may bear teste in the name of any judge of the Douglas Judicial Circuit, and when issued by and in the name of any judge of said circuit shall be fully valid and may be heard and determined before the same or any other judge of said circuit."

SECTION 4.

The compensation, salary, and contingent expense allowance of each judge of the Superior Court for the Douglas Judicial Circuit of Georgia from the State of Georgia shall be the same as that of other judges of the superior courts of Georgia.

SECTION 5.

Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

SECTION 6.

(a) For purposes of making the initial appointment of the judge to fill the superior court judgeship created by this Act, this Act shall become effective upon its approval by the Governor or its becoming law without such approval.

(b) For all other purposes, this Act shall become effective January 1, 2009.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.